

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 BAIL APPLICATION NO. 995 OF 2021

RUPCHAND BANSI BALE
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Applicants : Mr. Z. H. Farooqui h/f Mr. N. V. Gaware
APP for Respondent-State : Mr. R. V. Dasalkar
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CORAM : V. K. JADHAV, J.
DATED : 01st APRIL, 2022

PER COURT:-

1. The applicant is seeking bail in connection with crime no. 280 of 2018 registered with Topkhana Police Station, District Ahmednagar for the offence punishable under Sections 302, 307, 363, 364, 34 of IPC, Section 3/25 of the Indian Arms Act and Section 37(1)(3)/135 of the Maharashtra Police Act. His application with similar prayer came to be rejected by the Additional Sessions Judge, Ahmednagar vide order dated 26.02.2020 passed below Exhibit 66 in Sessions Case No. 207 of 2018.

2. By order dated 12.07.2019, this Court has disposed off Bail Application No. 435 of 2019 filed by the present applicant as withdrawn with liberty to the applicant to file an application before the trial court for expeditious hearing of the case. However, the applicant has not filed any application for expeditious hearing of the case to exercise the said liberty. On the other hand, the applicant has filed an application for bail before the court below on the ground that co-accused Anil Raghunath Bale and Rushikesh Vishnu Bale came to be released on regular bail by the Sessions Court.

3. Learned counsel for the applicant submits that the applicant is in jail in connection with the present crime since the date of his arrest i.e. 03.06.2018. The co-accused, with the identical allegations, came to be released on bail by the Sessions Court. Learned counsel submits that during pendency of this application, co-accused Dattatraya Laxman Bale also came to be released on regular bail by the Supreme Court by order dated 17.02.2022. In view of the said change in circumstance, the applicant is also entitled to be released on bail on the principle of parity.

4. Learned APP submits that so far as the co-accused persons released on bail are concerned, the allegations against them are not identical to the allegations against the applicant. Learned APP submits that as per the oral dying declaration made by deceased Amol, when he had refused to board the vehicle, the present applicant on the point of gun pressed on his abdomen, forcibly took him in the vehicle. Further, deceased Amol was taken in one room of the house situated behind one Macchindranath Famous Dhaba by the present applicant and the present applicant questioned him as to why he had enticed his niece Rutuja and called her at Ahmednagar. It has been further alleged that all the accused persons, including the applicant, thereafter extended beating to deceased Amol severely.

5. This is the successive bail application and on the earlier round of bail applications, when this Court expressed disinclination to grant relief, the applicant withdrew his application and liberty was granted to the applicant to file an application before the trial court for expeditious hearing of the case. Even though the said liberty was granted, the same has not been exercised. It thus appears that the applicant is only interested in getting released on

bail. Further, the allegations are not identical. Said Rutuja is the niece of the applicant and the applicant has played a lead role in commission of the crime. Deceased Amol had a sort of affair with said Rutuja and it appears to be a case of honour killing. We find no change in circumstance. We are not inclined to entertain this successive application. Hence, the following order:

ORDER

The Criminal Bail Application is hereby dismissed.

(V. K. JADHAV, J.)